

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Eli Silber,

Plaintiff,

v.

Civil Action No.: _____

JUDGE KARAS

COMPLAINT AND DEMAND
FOR TRIAL BY JURY

NRA Group, LLC, d/b/a
National Recovery Agency, Inc.,

Defendant.
-----X

14 CV 4137

Plaintiff Eli Silber ("Plaintiff"), by and through his attorneys, Fredrick Schulman & Associates, Attorneys at Law, as and for its Complaint against the Defendant NRA Group, LLC, d/b/a National Recovery Agency, Inc ("Defendant"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

JURISDICTION AND VENUE

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

3. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

PARTIES

4. At all relevant times herein, Plaintiff is a resident of the State of New York, County of Rockland.
5. At all relevant times herein, Plaintiff is a “consumer” as the term is defined under the FDCPA.
6. Upon information and belief, Defendant NRA Group, LLC, d/b/a National Recovery Agency, Inc. (“National Recovery”) is a limited liability company conducting business from offices located at 2491 Paxton Street, Harrisburg, Pennsylvania 17111.
7. Defendant regularly uses the mail and telephone in a business, the principal purpose of which is the collection of debts.
8. Defendant regularly collects or attempts to collect debts for other parties, and therefore, is a “debt collector” as the phrase is defined in 15 U.S.C. §1692a(6) of the FDCPA.

FACTUAL ALLEGATIONS

9. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “8” herein with the same force and effect as if the same were set forth at length herein.
10. In or about January 2014, Defendant commenced collection activity against Plaintiff by contacting Plaintiff by telephone in an attempt to collect an alleged debt (the “Alleged Debt”).
11. During the initial telephone conversation, Defendant indicated that they were looking for a debtor by the name of “Simon Parker”.
12. Plaintiff informed Defendant that he did not know anyone by the name of “Simon Parker” and that therefore the Defendant must have the wrong number associated with the Alleged Debt.

13. However, Defendant continued to call Plaintiff several times a day for the next several months looking for “Simon Parker”.

14. The telephone calls persisted despite Plaintiff informing Defendant numerous times that he did not know anyone by the name of “Simon Parker”.

15. In or about May 7th, 2014, Plaintiff sent, via certified mail, a cease and desist letter to Plaintiff again asking that they refrain from calling him.

16. According to the tracking information associated with the certified mail receipt, the Defendant received the letter on May 12th, 2014 (see: USPS tracking information, attached hereto as Exhibit “A”).

17. Nevertheless, to date Plaintiff continues to get calls from Defendant on a daily basis.

18. As a result of the Defendants’ deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION—VIOLATION OF 15 U.S.C. § 1692c(a)(c)

19. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “18” herein with the same force and effect as if the same were set forth at length herein.

20. Defendants’ conduct violated 15 U.S.C. §1692c(a)(c) in that the Defendant failed to cease communication with the Plaintiff after being informed them in writing that no longer wished to be contacted by Defendant.

21. As a result of Defendants’ violation of the FDCPA, Plaintiff is entitled to an award of statutory damages, actual damages, and all costs and reasonable attorney’s fees pursuant to the relevant provisions of the FDCPA.

SECOND CAUSE OF ACTION—VIOLATION OF 15 U.S.C. § 1692d(5)

22. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “21” herein with the same force and effect as if the same were set forth at length herein.

23. Defendants’ conduct violated 15 U.S.C. §1692d(5) in that the Defendant caused Plaintiff’s phone to ring repeatedly despite the fact that the Plaintiff does not owe the Alleged Debt.

24. As a result of Defendants’ violation of the FDCPA, Plaintiff is entitled to an award of statutory damages, actual damages, and all costs and reasonable attorney’s fees pursuant to the relevant provisions of the FDCPA.

THIRD CAUSE OF ACTION—VIOLATION OF 15 U.S.C. § 1692d

25. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “24” herein with the same force and effect as if the same were set forth at length herein.

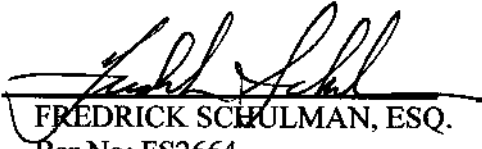
26. The Defendant’s conduct violated 15 U.S.C. §1692d in that the Defendant engaged in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff.

27. As a result of the Defendants’ violations of the FDCPA, Plaintiff has been damaged and is therefore entitled to damages in accordance with the FDCPA.

FOURTH CAUSE OF ACTION—VIOLATION OF 15 U.S.C. § 1692f(1)

Dated: New York, New York
May 15th, 2014

Respectfully submitted,

By: 
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